

REMARKS

The Final Office Action mailed October 17, 2006, has been received and reviewed. Claims 1 through 5, 8 through 13, and 38 are currently pending in the application, of which claims 1 through 5, and 8 through 13 are currently under examination. Claim 38 was withdrawn from consideration as being drawn to a non-elected invention and is canceled without prejudice to the filing of one or more divisional applications. Reconsideration is respectfully requested.

35 U.S.C. § 103(a) Obviousness Rejections

Obviousness Rejection Based on U.S. Patent No. 6,951,813 to Derderian in view of U.S. Patent No. 4,670,571 to Malpass et al.

Claims 1 through 5, and 8 through 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Derderian (U.S. Patent No. 6,951,813) in view of Malpass et al. (U.S. Patent No. 4,670,571). Applicants respectfully traverse this rejection, as hereinafter set forth.

M.P.E.P. 706.02(j) sets forth the standard for a Section 103(a) rejection:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine reference teachings. Second, there must be a reasonable expectation of success. Finally, **the prior art reference (or references when combined) must teach or suggest all the claim limitations.** The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). (Emphasis added).

As noted by the Examiner, U.S. Patent 6,951,813 to Derderian and the present application share a common inventor. (Office Action, page 2). Applicants respectfully submit that Derderian is not a proper prior art reference against the current application. A separate statement of common ownership is provided herewith. U.S. Patent No. 6,951,813 to Derderian and the above identified application were, at the time the invention was made, owned by, or subject to an obligation of assignment to the same entity, namely, Micron Technology, Inc. Applicant respectfully submits that such a statement is sufficient evidence to establish common ownership between U.S. Patent No. 6,951,813 to Derderian and U.S. Patent Application Serial No.

10/787,450. *MPEP* § 706.02(1)(2)II. Accordingly, Applicants respectfully request the withdrawal of the Derderian reference as prior art against the pending application.

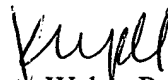
Malpass was relied upon for teaching that TEA may be substituted for alkylaluminum halides (Office Action, page 4) and Malpass fails to teach or suggest each and every element of claim 1 of the presently claimed invention. Accordingly, Malpass cannot render the presently claimed invention obvious.

Claims 2 through 5, and 8 through 13 are each allowable, at least, as depending from allowable claim 1.

CONCLUSION

Claims 1 through 5, and 8 through 13 are believed to be in condition for allowance, and an early notice thereof is respectfully solicited. Should the Examiner determine that additional issues remain which might be resolved by a telephone conference, the Examiner is respectfully invited to contact Applicants' undersigned attorney.

Respectfully submitted,



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